IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 282 of 2005

Between:

Vema China Koteswara Rao S/o.Bullaiah
Chimakurhti Mandal, R/o.K.V.Palem Village Chimakurthi Mandal, Prakasam District.

..... PETITIONER

AND

1 District Collector, Prakasam District Ongole.
2 Mandal Revenue Officer, Chimakurthi Mandal Prakasam District.
3 Vema Srinivasa Rao S/o.Late Yellaiah
K..V.Palem, Chimakurthy Mandal Prakasam District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order more particularly one in the nature of writ of Mandamus or an appropriate writ or order declaring the action of the respondents Nos. 1 and 2 permitting the 3rd respondent to construct the building and also installing the statue of his father (Ex.M.L.A) which is against to the G.O.Ms.No.393 Dt.13.6.2000, as illegal, arbitrary and unconstitutional and pass such other order or orders.

Counsel for the Petitioner:MR.KOTI REDDY IDAMAKANTI

Counsel for the Respondent Nos.1 and 2: GP FOR ASSIGNMENTS

Counsel for the Respondent No.3: None

The Court made the following Oral Order: (Per Sri Devinder Gupta, CJ)

The writ petition is filed as “Public Interest Litigation” to declare the action of respondents 1 and 2 in permitting the 3rd respondent to construct and install statue of his father, an Ex-M.L.A., which according to the petitioner was contrary to G.O. Ms. No.393, dated 13.6.2000, illegal and arbitrary and prayed for staying the construction and installation of the statue.

The Mandal Revenue Officer, Chimakurthy Mandal has filed reply affidavit on behalf of the respondents 1 and 2 stating that he is also authorized to file affidavit on behalf of the 1st respondent also. It is stated that the respondents have followed the regulations which are presently in vogue. G.O. Ms. No. 393, dated 13.6.2000, which says that no private person is allowed to construct anything in Government premises stands superceded by G.O. Ms. No.55, Transport, R&B, (R-1) Department, dated 8.4.2003, which is the latest G.O., which is in operation. It states that “if statutes/monuments are unavoidable on roads, they should be located only on large traffic islands, public gardens, parks, premises of Government buildings, town halls or places of public importance”. Accordingly, laying of the statue of late Vema Yellaiah, Ex-MLA, S.N.Padu and Ex-Chairman, Scheduled Caste Corporation was approved in the Statute Committee meeting held on 8.11.2004 at 5.00 P.M. headed by the District Collector and members, Superintendent of Police, Superintending Engineer (R&B), Chairman/Chief Executive Officer of Local Municipal Body, Superintending Engineer (Panchayat Raj), Superintending Engineer (Transco) and concerned Executive Engineer of R&B, strictly in terms of G.O. Ms. No.55, dated 8.4.2003. This decision was communicated by the Collector through his Proceedings dated 7.12.2004.

In view of the above, reliance placed by the petitioner on the earlier G.O., which stands modified/superceded by a fresh G.O., is misconceived and there is nothing wrong in the action of the respondents in installing the statue within the precincts of the Government premises.

The writ petition is accordingly dismissed.

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DEVINDER GUPTA,CJ

DATE: 28th February, 2005

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B. SESHASAYANA REDDY,J

Pnb

To

1 The District Collector, Prakasam District, Ongole.

2 The Mandal Revenue Officer, Chimakurthi Mandal Prakasam District.

3 Two C.Cs. to the Government Pelader for Assignments, High Court Buildings, Hyderbad. (OUT)

4 Two C.D. copies